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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,962	07/06/2001	Ali N. Saleh	M-9838 US	4375
33031 7590 04/09/2007 CAMPBELL STEPHENSON ASCOLESE, LLP 4807 SPICEWOOD SPRINGS RD. BLDG. 4, SUITE 201 AUSTIN, TX 78759			EXAMINER TRAN, NGHI V	
			ART UNIT 2151	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/09/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/899,962	SALEH ET AL.	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to the amendment filed on December 26, 2006. Claims 1, 9, 17, 25, and 33 have been amended. No claims have been canceled. No claims have been added. Therefore, claims 1-46 are presented for further examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata, U.S. Patent No. 6,026,077 (hereinafter Iwata), in view of Houji, U.S. Patent No. 5,832,197 (hereinafter Houji), and further in view of Ebata et al., United States Patent Number 6,708,209 (hereinafter Ebata).

4. With respect to claims 1, 9, 17, 25, 33, 41, 44, and 46, Iwata teaches a method for restoring a path in a communication system between zones [see abstract and fig. 1] comprising:

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- establishing an inter-zone link between a first border node (**A**) of a source zone [i.e. sub-networks, **701** and/or peer group, **PG-A**] and a second border node (**D**) of a destination zone [i.e. sub-networks, **704**] [fig.1];
- identifying an inter-zone link failure between the source zone and the destination zone [col.10, ln.66 - col.11, ln.27 and col.12, lns.40-62];
- identifying a pre-planned alternative route between the source zone and the destination zone [i.e. previously determine an alternate path, see abstract and fig.1];
- informing a node in the destination zone of alternative route [fig.1];
- informing a node in the source zone of alternative route [fig.1]; and
- providing communication between the destination zone and the source zone via the preplanned alternative route [fig.4].

However, Iwata does not explicitly show wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone.

In a method for restoring a path, Houji suggests or discloses wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone [see abstract, figs.1-2, and col.2, ln.46 - col.4, ln.38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids

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congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25].

Further, Iwata does not explicitly show where the inter-zone link meets class of service requirements between the source zone and the destination zone.

In a communication method, Ebata suggests or discloses where the inter-zone link [i.e. inter-organization link] meets class of service requirements [i.e. QoS control using a policy of the policy servers] between the source zone and the destination zone [col.7, lns.1-63; col.17, lns.37-58; and col.18, lns.17-21].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji, and further in view of Ebata by meeting class of service requirements between the source zone and the destination zone because this feature can provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed the policies [Ebata, col.2, lns.23-27]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to be guaranteed in its own network for an inter-network communication [Ebata, col.2, lns.5-7].

5. With respect to claims 2, 10, 18, 26, and 34, Iwata further suggests routing the pre-planned alternative route through a transit zone [fig.1].

6. With respect to claim claims 3, 6, 11, 14, 19, 22, 27, 30, 35 and 38, Iwata further teaches requesting new paths to be established between zones [i.e. setting up the alternate path, see abstract].

7. With respect to claims 4-5, 7-8, 12-13, 15-16, 20-21, 23-24, 28-29, 31-32, 36-37, and 39-40, Iwata does not explicitly show the pre-planned alternative route is configured based on class of service requirements.

In a method for restoring a path in a communication system, Houij discloses the pre-planned alternative route is configured based on class of service requirements [see abstract and fig.1].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houij by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25].

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8. With respect to claims 42-43 and 45, Iwata further teaches the processor is further configured to:

- identify an intra-zone failure within at least one of said source zone and said adjacent destination zone [i.e. link state database **102**, figs.2-6]; and
- dynamically identify an alternative route using a distributed restoration process [col.7, ln.60 - col.8, ln.61].

Response to Arguments

9. Applicant's arguments filed January 18, 2006 have been fully considered but they are not persuasive because of the following: Iwata teaches a method for restoring a path in a communication system between zones [see abstract and fig.1] comprising: establishing an inter-zone link between a first border node (**A**) of a source zone [i.e. sub-networks, **701** and/or peer group, **PG-A**] and a second border node (**D**) of a destination zone [i.e. sub-networks, **704**] [fig.1]; identifying an inter-zone link failure between the source zone and the destination zone [col.10, ln.66 - col.11, ln.27 and col.12, lns.40-62]; identifying a pre-planned alternative route between the source zone and the destination zone [i.e. previously determine an alternate path, see abstract and fig.1]; informing a node in the destination zone of alternative route [fig.1]; informing a node in the source zone of alternative route [fig.1]; and providing communication between the destination zone and the source zone via the preplanned alternative route [fig.4]. However, Iwata does not explicitly show wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination

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zone. In a method for restoring a path, Houji suggests or discloses wherein the pre-planned alternative route meets class of service requirements between the source zone and the destination zone [see abstract, figs.1-2, and col.2, ln.46 - col.4, ln.38].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25]. Further, Iwata does not explicitly show where the inter-zone link meets class of service requirements between the source zone and the destination zone. In a communication method, Ebata suggests or discloses where the inter-zone link [i.e. inter-organization link] meets class of service requirements [i.e. QoS control using a policy of the policy servers] between the source zone and the destination zone [col.7, lns.1-63; col.17, lns.37-58; and col.18, lns.17-21]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji, and further in view of Ebata by meeting class of service requirements between the source zone and the destination zone because this feature can provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed the policies [Ebata, col.2, lns.23-27]. It is for this reason that one of

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ordinary skill in the art at the time of the invention would have been motivated in order to be guaranteed in its own network for an inter-network communication [Ebata, col.2, Ins.5-7].

10. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as show in the above.

11. In response to applicant's argument that the cited references fail to disclose an inter-zone link that meets class of service requirements between a source zone and a destination zone. The examiner respectfully disagrees because Ebata suggests an inter-zone link [i.e. inter-organization linke] that meets class of service [i.e. the policy server performs control and operation to provide a QoS guarantee services in a plurality of organizations, see col.3, Ins.42-45] requirements between a source zone and a destination zone [col.7, Ins.1-63, col.17, Ins.37-58, and col.18, Ins.17-21].

12. In response to applicant's argument that the cited references fail to disclose identifying an inter-zone link failure and identifying an intra-zone failure. The examiner respectfully disagrees because lwata discloses identifying an inter-zone link [i.e. link

state parameters between border nodes. Further, the peer group PG-A is interconnected to the peer group PG-B via a physical link, col.3, Ins.64-65] failure [fig.16 and col.2, Ins.31-44]. Further Iwata discloses identify an intra-zone failure [col.2, Ins.4-11].

13. In response to applicant's argument that the cited references fail to disclose a source zone and a destination zone that execute separate copies of a topology distribution algorithm. The examiner respectfully disagrees because Iwata suggests a source zone and a destination zone that execute separate copies of a topology distribution algorithm [col.1, Ins.19-32, col.1, In.60 through col.2, In.43, and col.3, In.44 through col.4, In.16].

14. In response to applicant's argument that the Office Action fails to establish a motivation for proposed combination of Iwata and Houji. The examiner respectfully disagree because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji by the pre-planned alternative route meets class of service

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requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25].

15. In response to applicant's argument that the Office Action fails to establish a motivation for the proposed combination of Ebata with either Iwata or Houji. The examiner respectfully disagree because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Iwata in view of Houji, and further in view of Ebata by meeting class of service requirements between the source zone and the destination zone because this feature can provide a quality-guaranteed path extending to a plurality of networks which has a quality guaranteed the policies [Ebata, col.2, lns.23-27]. It is for this reason that one of ordinary skill in the art at the time of the invention would have

been motivated in order to be guaranteed in its own network for an inter-network communication [Ebata, col.2, Ins.5-7].

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

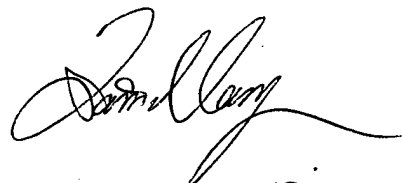
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2151

April 02, 2007



ZARNI MAUNG
PATENT EXAMINER